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**CITY OF SAN JOSE
DEVELOPMENT SERVICES**

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Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Coyote Valley Specific Plan, File No. GP06-02-04 (SCH No. 2005062017)

Dear Mr. Boyd:

The City of San José Parks and Recreation Commission considered the DEIR for the Coyote Valley Specific Plan (CVSP) on June 6, and June 20, 2007. The Commission has the following comments regarding the proposed project and its impact on the environment:

1) Parks and Recreation - Impact SER-4 on page 411 states:

“The residential component of the proposed project would increase the need for park and recreation services in the CVSP Development Area. However, because the project includes parkland in amounts consistent with the City’s PDO and/or PIO, it would not result in significant environmental impacts to the existing City parks. The development of the CVSP was acknowledged in the Santa Clara County’s Coyote Creek Parkway Master Plan.

[Less Than Significant Impact]”

The Draft Environmental Impact Report (DEIR) for the Coyote Valley Specific Plan calls for the development of 245 acres of parkland, which is consistent with the City’s Parkland Dedication Ordinance (PDO) and/or Park Impact Ordinance (PIO) at 3.0 acre per 1000 population. This may be true in land dedication, however; how will all 245 acres be funded for development? If all of the 26,400 units being proposed are multi-family +5 units would only yield 180.8 acres of raw parkland. The cost to develop these parklands can become a major impact on the City’s remaining park system. Therefore, the Parks and Recreation Commission believes the DEIR is an ambiguous document as it relates to how parks are dedicated and/or built under the PDO and PIO. The DEIR does not inform the decision makers of this potential impact.

2) The City’s General Plan calls for 3.5 acres of neighborhood and community serving parklands per 1000 population and not 3.0 acres as indicated on page 411 of the DEIR. Is the

Coyote Valley Specific Plan in compliance with the General Plan Service Level Goals as stated on page 91 of the General Plan?

3) On page 74 of the DEIR regarding Policy #1 Consistency under Parks and Recreation Policies states:

“To the extent that the amount of parkland proposed exceeds the 3.0 acres per 1,000 residents requirement, the CVSP developer and the City will enter into an appropriate agreement.”

Please define what is intended by the term “an appropriate agreement?” Again, the DEIR does not inform the decision maker what this term actually means.

4) On page 74 of the Draft EIR regarding Policy #3 Consistency under Parks and Recreation Policies states:

“When specific residential developments are proposed, they would be reviewed for conformance with the City’s design guidelines and required to provide open space and recreation facilities and to be integrated with the surrounding uses and neighborhoods.”

Under the PDO and PIO, housing developers can satisfy up to 50% of their parkland obligation through private on-site recreational facilities for use by their residents. The DEIR does not indicate the potential impact this may have on providing 245 acres of public parklands. Again, the DEIR is misleading the decision makers that the Plan will provide all of the parkland proposed by using the PDO and PIO. What is the realistic and maximum deduction caused by private recreational credits on the proposed dedication of parklands? The DEIR makes reference on page 412 by stating:

“...therefore, the number of park acres provided by new development is reduced.”

The DEIR has not fully disclosed the amount such reduction can have on providing public parklands in the Coyote Valley.

5) Project Objective 16 on page 9 of the DEIR states:

“The Specific Plan shall include a requirement that mandates 20 percent of all units be “deed-restricted, below-market-rate units.”

Low, very-low and extremely-low restricted income housing units are exempt from the PDO and PIO. At 26,400 proposed units, a ten percent reduction due to low, very-low and extremely-low restricted income housing units is equal to a loss of 18 acres of parklands. The DEIR has not fully disclosed the impact of such unit will have on providing a rich system of parks, trails, and recreation areas as called for in objective 9 on page 8 of the DEIR. Please address this fact in the final EIR.

6) Page 218 discussed the Significant Unavoidable Impacts associated with Air Quality. The DEIR does not address the impacts from poor air-quality that will affect children playing in schoolyards and at public parks and the impacts to the community regarding ability to use the trail system? Are there areas in the Coyote Valley that are less impacted by poor air-quality?

7) The EIR discusses the need for new schools on page 409. If land is provided for school purposes, how will this affect the ratio of lands going to the City for park purposes under the PDO and/or PIO? Does a 9-acre school site meet the State's standards for elementary schools? Does a 15-acre school site meet the State's standards for a middle school? Why only one site for the two proposed high schools? Will these school lands be available for public use after normal school hours and if so, please define the ending time of normal school use by school size? Will the recreational school grounds be counted as parklands?

8) The DEIR states the project will increase traffic in the in the Coyote Valley area. Will this additional traffic hamper access to public parks and recreational facilities in the areas? If so, why was this not addressed in the Draft EIR?

9) The DEIR on page 109 discussed the loss of open space associated with the development of the northern portion of the Coyote Valley. A way to lessen this impact is the removal of all proposed development from the east side of Monterey Highway. The Parks and Recreation Commission is on record of regarding this change to the project to protect the view shed along both Monterey Highway and U.S. 101. It would also provide greater protection to the County's Coyote Creek Park.

10) The DEIR on page 110 discussed the Loss of Agricultural Land at approximately 2,400 acres of prime farmland. Why is this project not subject to providing mitigation for the loss of farmlands or protecting the remaining farmlands in the Greenbelt area?

11) The DEIR did not address the impacts on public services regarding animal control services. Please address this issue in the final EIR regarding additional staff, equipment, and shelter space needed to serve Coyote Valley.

12) The DEIR on page 412 states the project includes a community center and an aquatics center. If these are to be funded under the PDO and/or PIO, this will also reduce the amount of parklands provided. Please address how these facilities will be built and their maintenance and operational impacts on the City. Furthermore, how will the parklands in the Coyote Valley be funded for maintenance?

13) The Parks and Recreation Commission request the donation amount in-lieu of tree planting should be the greater amount of either the value of the existing ordinance size trees and/or heritage trees as established by a consulting arborist, or the cost to purchase, install, and maintain the number of new trees as defined in the DEIR Chart for a period of at least three years for each ordinance size or heritage tree removed. These in-lieu payments for trees shall be made to San José Beautiful, or Our City Forest.

14) The DEIR recognizes on pages 268 and 284 that the proposed project could result in significant impacts to wildlife traversing Coyote Valley between the Santa Cruz Mountains and the Diablo Range. The Commission encourages the use of wildlife migration overpasses, planted with native grasses, over Santa Teresa Boulevard and Monterey Highway in concert with Tulare Hill. Wildlife migration underpasses should be used in the southern Greenbelt Area south of Palm Avenue.

15) It is the understanding of the Parks and Recreation Commission that 50% of the properties were not available for the EIR consultants to review. What bearing has this restriction placed on the DEIR conclusions?

The Parks and Recreation Commission looks forward to the answers to our concerns regarding the DEIR associated with the Coyote Valley Specific Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen Chapman", with a stylized flourish at the end.

Helen Chapman, Chair

cc: Planning Commission
City Council